

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--|---|-------------------------|
| Rowena Tabliago |) | |
| 96 163 305, |) | |
| |) | |
| Nelson Tabliago |) | FILED COPY: MAY 9, 2008 |
| 96 13 306 |) | 08CV2688 EDA |
| |) | JUDGE HIBBLER |
| Nikko Rowe Tabliago |) | MAGISTRATE JUDGE COLE |
| 96 163 307 |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| Michael Chertoff, Secretary of U.S. Department |) | |
| of Homeland Security; Ruth Dorochoff, |) | |
| United States Citizenship & Immigration Service, |) | |
| Chicago District Director; Michael Mukasey, |) | |
| U.S. Attorney General; Robert F. Mueller, III, |) | |
| Director of Federal Bureau of Investigation; |) | |
| and the United States of America. |) | |
| |) | |
| Defendants. |) | |

COMPLAINT FOR WRIT OF MANDAMUS

NOW COME the Plaintiffs ROWENA TABLIAGO, NELSON TABLIAGO, and NIKKO ROWE TABLIAGO (hereinafter "Plaintiffs"), by and through their attorneys, AzulaySeiden LawGroup, and complain as follows:

STATEMENT OF ACTION

1. This action is brought to compel action on Plaintiffs' properly filed Applications for Lawful Permanent Resident Status ("I-485") with United States Citizenship & Immigration Services ("USCIS") in Chicago. To the Plaintiff's detriment, Defendants have failed to adjudicate the applications.

PARTIES

2. Plaintiffs, Rowena, Nelson, and Nikko Rowe Tabliago are wife, husband, and child respectively. They filed Applications for Lawful Permanent Resident Status (Form I-485) under §245(i) of the Immigration and Nationality Act on June 2, 2006 based on an approved Petition for Alien Work (Form I-140) filed on behalf of Rowena Tabliago by her employer.
3. Defendant Michael CHERTOFF ("Chertoff"), the Secretary for the Department of Homeland Security ("DHS"), is being sued in his official capacity only. Chertoff is responsible for adjudication of I-485 applications pursuant to 8 U.S.C. §1225.
4. Defendant Michael MUKASEY ("Mukasey"), is the Attorney General of the United States and is being sued in his official capacity only. Mukasey is responsible for the adjudication of I-485 applications pursuant to 8 U.S.C. §1225.
5. Defendant Ruth DOROCHOFF ("Dorochoff"), the District Director of Chicago CIS, is being sued in her official capacity only. Dorochoff is charged with supervisory authority over all of Chicago CIS operations and CIS agents and officers acting in their official capacity.
6. Defendant Robert F. MUELLER, III ("Mueller"), the Director of the Federal Bureau of Investigation, is being sued in his official capacity only. Mueller is charged with supervisory authority over all of FBI operations and FBI agents and officers acting in their official capacity.

JURISDICTION

7. This Court has original jurisdiction to hear both civil actions arising under the laws of the United States and actions to compel an officer or employee of the United States or any agency thereof to perform a duty. 28 U.S.C. §1331; 28 U.S.C. §1361. This Court also has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§2201-2202.

Relief is requested pursuant to said statutes.
8. This action is brought to compel the Defendants, officers and an agency of the United States, to perform the duties arising under the law of the United States.
9. This Court has jurisdiction to hear actions arising from claims that an agency or an officer or employee of a government agency failed to act in its official capacity and the person to whom the duty owed suffered a legal wrong. 5 U.S.C. §702.
10. This action invokes the Plaintiffs' right of due process under the Fifth Amendment of the United States Constitution, over which this Court retains jurisdiction.
11. This action is brought due to the failure of the USCIS and its officers to perform their duty to adjudicate the Plaintiffs' I-485 Applications for Lawful Permanent Resident Status within a reasonable amount of time. Failure to adjudicate said applications have resulted in harm to the Plaintiffs.
12. Federal courts retain jurisdiction over adjudication matters when the INS (now USCIS) refuses to adjudicate their applications. *Iddir v. INS*, 166 F.Supp.2d 1250, 1260 (N.D. Ill. 2001).
13. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") does not divest this Court of jurisdiction because the Plaintiffs are not seeking a review

of a denial; they are seeking to have the application adjudicated, which is among the duties conferred upon the Defendants by Congress. *Id.* at 1256.

VENUE

14. Venue is proper in this court pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiffs' claim occurred.
15. Plaintiffs I-485 Applications for Lawful Permanent Resident Status was properly filed and, to Plaintiffs' knowledge, remains pending with the Chicago USCIS District Director.

EXHAUSTION OF REMEDIES

15. Plaintiffs have exhausted all administrative remedies. Plaintiffs, through their attorneys, have made numerous inquiries concerning the status of their I-485 and Defendants have failed to properly respond.

CAUSE OF ACTION

16. On April 3, 2003, an I-140 Petition filed on behalf of Rowena Tabliago was approved by USCIS. *See Exhibit 1.* The Petition had a priority date of April 12, 2001, in the third preference employment based category. According to the U.S. Department of State's Visa Bulletin for May 2008, the priority date is current for natives of the Philippines (which Rowena Tabliago is) for approved petitions in the third preference category filed on or before March 1, 2006. Thus, visas are immediately available to the Plaintiffs. *See Exhibit 2.*
17. After a rejection by the USCIS Nebraska Service Center due to improper filing, the Plaintiffs cases were referred to an Immigration Judge in the U.S. Department of Justice's Executive Office for Immigration Review. Plaintiffs refiled their applications for Adjustment of Status before the Immigration Judge on June 2, 2006. *See Exhibit 3.*
18. Because the required background checks were not yet complete, the Immigration Judge terminated the removal proceedings against the Plaintiffs on June 7, 2006, and remanded their Applications for Adjustment of Status to USCIS for decisions. *See Exhibit 4.*
19. On October 17, 2006, Plaintiffs were interviewed at the USCIS Chicago District Office. At that time, a decision could not be issued because the background investigation for Mrs. Tabliago was not yet complete. *See Exhibit 5.*
20. At the interview, a Request for Evidence ("RFE") was issued. Plaintiffs responded to the RFE on November 21, 2006. *See Exhibit 6.* Plaintiffs subsequently followed up on

the status of their cases on January 9, 2007, and February 6, 2007. *See Exhibit 7.* To date, Plaintiffs have received no response to their follow ups.

21. Plaintiffs applications have now been pending with the USCIS District Office without decision since October 2006.
22. Plaintiffs have been greatly damaged by the failure of the Defendants to act in accord with their duties under law: Plaintiffs have a meritorious application for adjustment of status to that of lawful permanent residents which cannot be adjudicated because of Defendants' refusal to do so.
23. The Defendants delay in processing of Plaintiff's application has further deprived the Plaintiffs of their right to due process under the law as provided by the Fifth Amendment of the United States Constitution.
24. The Defendants, in violation of the Administrative Procedure Act, 5 U.S.C. §701 *et seq.* are unlawfully withholding and unreasonably delaying action on Plaintiffs' application and have subsequently failed to carry out the adjudicative functions delegated to them by law with regard to the Plaintiffs' case.
25. Plaintiffs have made numerous status inquiries in the attempt to secure adjudication of their application, to no avail. Accordingly, Plaintiffs have been forced to pursue the instant action.

PRAYER

WHEREFORE, Plaintiffs requests that this Honorable Court enter an order:

- (a) Requiring Defendants to adjudicate Plaintiffs' Applications for Lawful Permanent Resident Status (I-485); and
- (b) Awarding Plaintiffs reasonable attorney's fees pursuant to 28 U.S.C. §2412 for failure of the Defendants to perform their duties within a reasonable amount of time.

Respectfully submitted,
Rowena, Nelson and Nikko Rowe Tabliago

By: s/Kevin A. Raica
Kevin A. Raica
AzulaySeiden Law Group
205 North Michigan Ave., 40th Floor
Chicago, IL 60601
(312) 832.9200

Notice of Action



| | | |
|---|---------------------------------|--|
| RECEIPT NUMBER LIN-03-077-51244 | | CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER |
| RECEIPT DATE January 8, 2003 | PRIORITY DATE April 12, 2001 | PETITIONER SAMLAND HEALTHCARE INC |
| NOTICE DATE April 3, 2003 | PAGE 1 of 1 | BENEFICIARY A96 163 305 TABLIAGO, ROWENA |
| Y J. AZULAY AZULAY HORN KHALAF & YOO ONE E WACKER DR 2700 CHICAGO IL 60601 | | Notice Type: Approval Notice Section: Skilled Worker or Professional, Sec.203(b)(3)(A)(i) or (ii) |

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. He or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application, with appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5283.

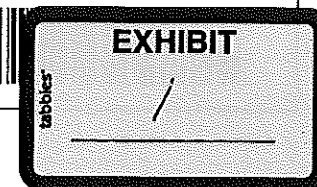
If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NEBRASKA SERVICE CENTER
U. S. IMMIG. & NATZ. SERVICE
P.O. BOX 82521
LINCOLN NE 68501-2521
Customer Service Telephone: 402-323-7830



Visa Bulletin

Number 118
Volume VIII
Washington, D.C.

VISA BULLETIN FOR MAY 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April 8th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

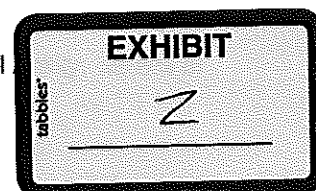
Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.



Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

| Fam-ily | All Charge-ability Areas Except Those Listed | CHINA-mainland born | INDIA | MEXICO | PHILIPP-INES |
|---------|--|---------------------|---------|---------|--------------|
| 1st | 08MAR02 | 08MAR02 | 08MAR02 | 08JUL92 | 15MAR93 |
| 2A | 08JUN03 | 08JUN03 | 08JUN03 | 01MAY02 | 08JUN03 |
| 2B | 01JUN99 | 01JUN99 | 01JUN99 | 01APR92 | 15FEB97 |
| 3rd | 08JUN00 | 08JUN00 | 08JUN00 | 22JUL92 | 01APR91 |
| 4th | 08AUG97 | 15JAN97 | 01JAN97 | 15DEC94 | 08MAR86 |

***NOTE:** For May, 2A numbers **EXEMPT** from per-country limit are available to applicants from all countries with priority dates **earlier** than 01MAY02. 2A numbers **SUBJECT** to per-country limit are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY02 and earlier than 08JUN03. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

| | All Charge-ability Areas Except Those Listed | CHINA-mainland born | INDIA | MEXICO | PHILIP-PINES |
|-------------------------|--|---------------------|---------|---------|--------------|
| Employment-Based | | | | | |
| 1st | C | C | C | C | C |
| 2nd | C | 01JAN04 | 01JAN04 | C | C |
| 3rd | 01MAR06 | 22MAR03 | 01NOV01 | 01JUL02 | 01MAR06 |
| Other Workers | 01JAN03 | 01JAN03 | 01JAN03 | 01JAN03 | 01JAN03 |

| | | | | | |
|---|---|---|---|---|---|
| 4th | C | C | C | C | C |
| Certain Religious Workers | C | C | C | C | C |
| 5th | C | C | C | C | C |
| Targeted Employment Areas/ Regional Centers | C | C | C | C | C |

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2008 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For May, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

| Region | All DV Chargeability Areas Except Those Listed Separately | |
|-------------------------|---|--|
| AFRICA | 26,700 | Except: Egypt: 20,500 Ethiopia: 16,000 Nigeria: 11,600 |
| ASIA | 10,500 | |
| EUROPE | 23,500 | |
| NORTH AMERICA (BAHAMAS) | 12 | |
| OCEANIA | 1,400 | |

| | | |
|---|-------|--|
| SOUTH AMERICA, and the CARIBBEAN | 1,550 | |
|---|-------|--|

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2008 program ends as of September 30, 2008. DV visas may not be issued to DV-2008 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2008 principals are only entitled to derivative DV status until September 30, 2008. DV visa availability through the very end of FY-2008 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE

For **June**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

| Region | All DV Chargeability Areas Except Those Listed Separately | |
|---|--|--|
| AFRICA | 32,000 | Except: Egypt: 22,000 Ethiopia: 17,750 Nigeria: 13,000 |
| ASIA | 11,900 | |
| EUROPE | 26,000 | |
| NORTH AMERICA (BAHAMAS) | 12 | |
| OCEANIA | 1,500 | |
| SOUTH AMERICA, and the CARIBBEAN | 1,700 | |

D. MEXICO F2A VISA AVAILABILITY DURING THE COMING MONTHS

Continued heavy demand in the Mexico F2A category may require the retrogression of this cut-off date to hold number use within the annual numerical limit. Such action could occur as early as June.

E. EMPLOYMENT VISA AVAILABILITY

Many of the Employment cut-off dates have continued to advance more rapidly than might ordinarily be expected. This is a result of consultations with U.S. Citizenship and Immigration Services (USCIS) regarding their pending demand, which is currently using approximately 90% of all Employment numbers. USCIS has indicated that they would prefer to review a substantial number of cases at this time to ensure that number use in the various categories can be maximized. Should USCIS projections of the resulting number use prove to be incorrect it may be necessary to adjust the cut-off dates during the final quarter of FY-2008.

F. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs offers the monthly "Visa Bulletin" on the INTERNET'S

WORLDWIDE WEB. The INTERNET Web address to access the Bulletin is:

<http://travel.state.gov>

From the home page, select the VISA section which contains the Visa Bulletin.

To be **placed on** the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:

Subscribe Visa-Bulletin First name/Last name
(example: Subscribe Visa-Bulletin Sally Doe)

To be **removed from** the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

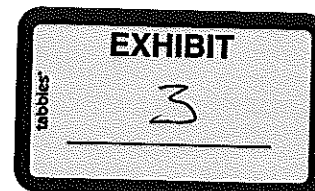
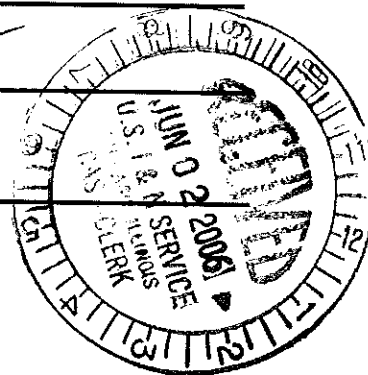
The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV

(This address cannot be used to subscribe to the Visa Bulletin.)

Department of State Publication 9514
CA/VO:April 8, 2008





U. S. Department of Justice

Executive Office for Immigration Review

Immigration Court

ROUTE SLIP

55 E. Monroe Street

(312) 353-7313

Suite 1900

Chicago, Illinois 60603-5701

DATE

:

6/2/06

FILE NO

:

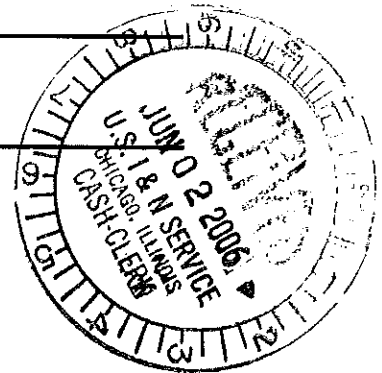
96 163 307

IMMIGRATION JUDGE:

:

CUEVAS

TO: DHS FEE CLERK



Please return this Motion/Application/Appeal to the individual paying the fee. This is an Immigration Court Case. Thank you.

TO: INDIVIDUAL PAYING FEE

Be sure to serve a copy of this Motion/Application/Appeal together with all attachments to the:

Department of Homeland Security (DHS)
District Counsel
55 East Monroe - Suite 1700
Chicago, IL 60603

before you file it with the Immigration Court at 55 East Monroe, Suite 1900, Chicago, Illinois 60603.



U. S. Department of Justice

Executive Office for Immigration Review

Immigration Court

ROUTE SLIP

55 E. Monroe Street

(312) 353-7313

Suite 1900

Chicago, Illinois 60603-5701

DATE

:

6/2/06

FILE NO

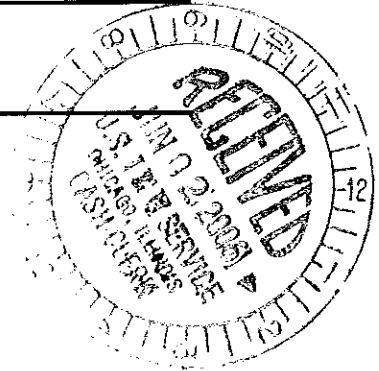
:

96 163 306

IMMIGRATION JUDGE:

CUEVAS

TO: DHS FEE CLERK



Please return this Motion/Application/Appeal to the individual paying the fee. This is an Immigration Court Case. Thank you.

TO: INDIVIDUAL PAYING FEE

Be sure to serve a copy of this Motion/Application/Appeal together with all attachments to the:

Department of Homeland Security (DHS)
District Counsel
55 East Monroe - Suite 1700
Chicago, IL 60603

before you file it with the Immigration Court at 55 East Monroe, Suite 1900, Chicago, Illinois 60603.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Please type or print in black ink.

Part 1. Information about you.

| | | |
|--|--------------------------------------|--------------------------------|
| Family Name TABLIAGO | Given Name Rowena | Middle Name Asuncion |
| Address - C/O | | |
| Street Number and Name 939 Blue Ridge Drive | | Apt. # |
| City Streamwood | | |
| State Illinois | Zip Code 60107 | |
| Date of Birth (mm/dd/yyyy) 55 | Country of Birth: Philippines | |
| Country of Citizenship/Nationality: Philippines | | |
| U.S. Social Security # [REDACTED] | A # (if any) [REDACTED] | |
| Date of Last Arrival (mm/dd/yyyy) 12/16/1994 | I-94 # 81102306104 | |
| Current USCIS Status AOS Pending | Expires on (mm/dd/yyyy) | |

Part 2. Application Type. (check one)

I am applying for an adjustment to permanent resident status because:

- a. ☒ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a United States citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- f. ☐ I am the husband, wife or minor unmarried child of a Cuban described above in (e) and am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- g. ☐ I have continuously resided in the United States since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR USCIS USE ONLY

| | |
|--|---------|
| Returned | Receipt |
| Resubmitted | |
| Reloc Sent | |
| Reloc Rec'd | |
| <input type="checkbox"/> Applicant Interviewed | |

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 2 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other _____

Country Chargeable

Eligibility Under Sec. 245

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other _____

Preference

Action Block

To Be Completed by

Attorney or Representative, if any

- ☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 3. Processing Information

| | |
|---|---|
| A. City/Town/Village of Birth CAGAYAN | Current Occupation MEDICAL TECHNOLOGIST |
| Your Mother's First Name ASUNCION | Your Father's First name REYNALDO |

Give your name exactly how it appears on your Arrival /Departure Record (Form I-94)

ROWENA TABLIAGO

| | |
|---|--|
| Place of Last Entry Into the United States (City/State) Chicago IL | In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) B2 |
| Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Nonimmigrant Visa Number 1994287497004 | Consulate Where Visa Was Issued MANILA, PHILS. |
| Date Visa was Issued (mm/dd/yyyy) 10/20/1994 | Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female |
| | Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed |

Have you ever before applied for permanent resident status in the U.S.?

☐ No ☒ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

| | | | |
|-----------------------------------|---------------------------------|-----------------------|---|
| Family Name TABLIAGO | Given Name NELSON | Middle URB | Date of Birth (mm/dd/yyyy) 5/31/1965 |
| Country of Birth PHILS. | Relationship SPOUSE | A # 96 163 306 | Applying with you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name TABLIAGO | Given Name NIKKO ROWE | Middle A | Date of Birth (mm/dd/yyyy) 10/27/1993 |
| Country of Birth PHILS. | Relationship SON | A # | Applying with you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name TABLIAGO | Given Name NIKKI RAE | Middle A | Date of Birth (mm/dd/yyyy) 4/5/1999 |
| Country of Birth USA | Relationship DAUGHTER | A # | Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

NONE

Part 3. Processing Information. (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust status or register for permanent residence.)

1. Have you ever, in or outside the United States:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No
2. Have you received public assistance in the United States from any source, including the United States government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the United States in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or rescission proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? ☐ Yes ☒ No
11. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. citizen child outside the United States from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

YOUR REGISTRATION WITH THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES. "I understand and acknowledge that, under section 262 of the Immigration and Nationality Act (Act), as an alien who has been or will be in the United States for more than 30 days, I am required to register with the U.S. Citizenship and Immigration Services. I understand and acknowledge that, under section 265 of the Act, I am required to provide USCIS with my current address and written notice of any change of address within ten days of the change. I understand and acknowledge that USCIS will use the most recent address that I provide to USCIS, on any form containing these acknowledgements, for all purposes, including the service of a Notice to Appear should it be necessary for USCIS to initiate removal proceedings against me. I understand and acknowledge that if I change my address without providing written notice to USCIS, I will be held responsible for any communications sent to me at the most recent address that I provided to USCIS. I further understand and acknowledge that, if removal proceedings are initiated against me and I fail to attend any hearing, including an initial hearing based on service of the Notice to Appear at the most recent address that I provided to USCIS or as otherwise provided by law, I may be ordered removed in my absence, arrested by USCIS and removed from the United States."

SELECTIVE SERVICE REGISTRATION. The following applies to you if you are a male at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: "I understand that my filing this adjustment of status application with the U.S. Citizenship and Immigration Services authorizes USCIS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon USCIS acceptance of my application, I authorize USCIS to transmit to the Selective Service System my name, current address, Social Security Number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, USCIS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26."

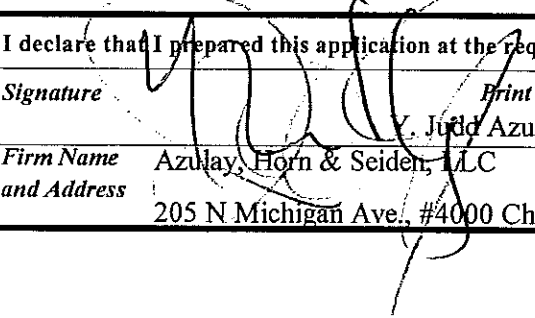
APPLICANT'S CERTIFICATION. I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

| | | | |
|--|--------------------------|-------------|-----------------------------|
| <i>Signature</i> | <i>Print Your Name</i> | <i>Date</i> | <i>Daytime Phone Number</i> |
|  | Rowena Asuncion TABLIAGO | 10/6/05 | |

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

| | | | |
|--|--|-------------|---|
| <i>Signature</i> | <i>Print Your Name</i> | <i>Date</i> | <i>Day time Phone Number</i> |
|  | Y. Judd Azulay | 10/6/05 | 312-832-9200 x101 |
| <i>Firm Name and Address</i> | Azulay, Horn & Seiden, LLC 205 N Michigan Ave., #4000 Chicago, IL 60601 | | <i>E-mail Address (if any)</i> yjazulay@ahslaw.com |

Department of Homeland Security
U.S. Citizenship and Immigration Services

**I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Please type or print in black ink.

Part 1. Information about you.

| | | |
|--|---|---------------------|
| Family Name Tabliago | Given Name Nelson | Middle Name Urbi |
| Address - C/O | | |
| Street Number and Name 939 Blue Ridge Drive | | Apt. # |
| City Streamwood | | |
| State Illinois | Zip Code 60107 | |
| Date of Birth (mm/dd/yyyy) [REDACTED] 65 | Country of Birth: Philippines Country of Citizenship/Nationality: Filipino | |
| U.S. Social Security # [REDACTED] 94 | A # (if any) A96163306 | |
| Date of Last Arrival (mm/dd/yyyy) 1994 | I-94 # | |
| Current USCIS Status AOS Pending | Expires on (mm/dd/yyyy) | |

Part 2. Application Type. (check one)

I am applying for an adjustment to permanent resident status because:

- a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☒ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a United States citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- f. ☐ I am the husband, wife or minor unmarried child of a Cuban described above in (e) and am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- g. ☐ I have continuously resided in the United States since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR USCIS USE ONLY

| | |
|--|---------|
| Returned | Receipt |
| Resubmitted | |
| Reloc Sent | |
| Reloc Rec'd | |
| <input type="checkbox"/> Applicant Interviewed | |

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 2 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other _____

Country Chargeable

Eligibility Under Sec. 245

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other _____

Preference

Action Block

To Be Completed by
Attorney or Representative, if any

- ☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 3. Processing Information

| | |
|---|---|
| A. City/Town/Village of Birth CAGAYAN | Current Occupation CUSTOMER SERVICE |
| Your Mother's First Name MARTINA | Your Father's First name NEPOMUCENO |

Give your name exactly how it appears on your Arrival /Departure Record (Form I-94)

N/A- EWI

| | |
|---|--|
| Place of Last Entry Into the United States (City/State) Chicago IL | In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) EWI |
| Were you inspected by a U.S. Immigration Officer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Nonimmigrant Visa Number | Consulate Where Visa Was Issued |
| Date Visa was Issued (mm/dd/yyyy) | Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female |
| | Marital Status: <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed |

Have you ever before applied for permanent resident status in the U.S.?

☐ No ☒ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

| | | | |
|-----------------------------------|---------------------------------|---------------------------|--|
| Family Name TABLIAGO | Given Name ROWENA | Middle ASUNCION | Date of Birth (mm/dd/yyyy) 12/26/1965 |
| Country of Birth PHILS. | Relationship SPOUSE | A # A96 163 305 | Applying with you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name TABLIAGO | Given Name NIKKO ROWE | Middle ASUNCION | Date of Birth (mm/dd/yyyy) 10/27/1993 |
| Country of Birth PHILS. | Relationship SON | A # 96 163 307 | Applying with you? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name TABLIAGO | Given Name NIKKI RAE | Middle ASUNCION | Date of Birth (mm/dd/yyyy) 4/5/ 1999 |
| Country of Birth USA | Relationship DAUGHTER | A # NONE | Applying with you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

NONE

Part 3. Processing Information. (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust status or register for permanent residence.)


1. Have you ever, in or outside the United States:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No
2. Have you received public assistance in the United States from any source, including the United States government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the United States in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or rescission proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? ☐ Yes ☒ No
11. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. citizen child outside the United States from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

YOUR REGISTRATION WITH THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES. "I understand and acknowledge that, under section 262 of the Immigration and Nationality Act (Act), as an alien who has been or will be in the United States for more than 30 days, I am required to register with the U.S. Citizenship and Immigration Services. I understand and acknowledge that, under section 265 of the Act, I am required to provide USCIS with my current address and written notice of any change of address within ten days of the change. I understand and acknowledge that USCIS will use the most recent address that I provide to USCIS, on any form containing these acknowledgements, for all purposes, including the service of a Notice to Appear should it be necessary for USCIS to initiate removal proceedings against me. I understand and acknowledge that if I change my address without providing written notice to USCIS, I will be held responsible for any communications sent to me at the most recent address that I provided to USCIS. I further understand and acknowledge that, if removal proceedings are initiated against me and I fail to attend any hearing, including an initial hearing based on service of the Notice to Appear at the most recent address that I provided to USCIS or as otherwise provided by law, I may be ordered removed in my absence, arrested by USCIS and removed from the United States."

SELECTIVE SERVICE REGISTRATION. The following applies to you if you are a male at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: "I understand that my filing this adjustment of status application with the U.S. Citizenship and Immigration Services authorizes USCIS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon USCIS acceptance of my application, I authorize USCIS to transmit to the Selective Service System my name, current address, Social Security Number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, USCIS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26."

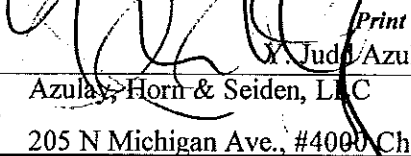
APPLICANT'S CERTIFICATION. I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

| | | | |
|--|------------------------|-------------|-----------------------------|
| <i>Signature</i> | <i>Print Your Name</i> | <i>Date</i> | <i>Daytime Phone Number</i> |
|  | NELSON U. TABLIAGO | 10/6/05 | |

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

| | | | |
|---|--|-------------|---|
| <i>Signature</i> | <i>Print Your Name</i> | <i>Date</i> | <i>Day time Phone Number</i> |
|  | Y. Judd Azulay | 10/6/05 | 312-832-9200 x101 |
| <i>Firm Name and Address</i> | Azulay, Horn & Seiden, LLC 205 N Michigan Ave., #4000 Chicago, IL 60601 | | <i>E-mail Address (if any)</i> yjazulay@ahslaw.com |

Department of Homeland Security
U.S. Citizenship and Immigration Services

**I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Please type or print in black ink.

Part 1. Information about you.

| | | |
|--|---|--------------------------------|
| Family Name TABLIAGO | Given Name Nikko Rowe | Middle Name Asuncion |
| Address - C/O | | |
| Street Number and Name 939 Blue Ridge Drive | | Apt. # |
| City Streamwood | | |
| State Illinois | Zip Code 60107 | |
| Date of Birth (mm/dd/yyyy) | Country of Birth: Philippines | |
| | Country of Citizenship/Nationality: Filipino | |
| U.S. Social Security # | A # (if any) | |
| | | |
| Date of Last Arrival (mm/dd/yyyy) 12/16/1994 | I-94 # 81102306014 | |
| Current USCIS Status AOS Pending | Expires on (mm/dd/yyyy) | |

Part 2. Application Type. (check one)

I am applying for an adjustment to permanent resident status because:

- a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☒ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a United States citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- f. ☐ I am the husband, wife or minor unmarried child of a Cuban described above in (e) and am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.
- g. ☐ I have continuously resided in the United States since before January 1, 1972.
- h. ☐ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR USCIS USE ONLY

| | |
|--|---------|
| Returned | Receipt |
| | |
| Resubmitted | |
| | |
| Reloc Sent | |
| | |
| Reloc Recd | |
| | |
| <input type="checkbox"/> Applicant Interviewed | |

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 2 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other

Country Chargeable

Eligibility Under Sec. 245

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other

Preference

Action Block

To Be Completed by
Attorney or Representative, If any

- ☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 3. Processing Information

| | | | |
|---|--|--|--|
| A. City/Town/Village of Birth STA. MESA | | Current Occupation STUDENT | |
| Your Mother's First Name ROWENA | | Your Father's First Name NELSON | |
| Give your name exactly how it appears on your Arrival /Departure Record (Form I-94) NIKKO ROWE TABLIAGO | | | |
| Place of Last Entry Into the United States (City/State) Chicago IL | | In what status did you last enter? (Visitor, Student, exchange alien, crewman, temporary worker, without inspection, etc.) B2 | |
| Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Nonimmigrant Visa Number 1994322855002 | | Consulate Where Visa Was Issued MANILA, PHILS. | |
| Date Visa was Issued (mm/dd/yyyy) 11/21/1994 | Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female | Marital Status: <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed | |

Have you ever before applied for permanent resident status in the U.S.? ☐ No ☒ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all your sons and daughters (if you have none, write "none". If additional space is needed, use separate paper).

| | | | |
|----------------------------|--------------|--------|---|
| Family Name NONE | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Family Name | Given Name | Middle | Date of Birth (mm/dd/yyyy) |
| Country of Birth | Relationship | A # | Applying with you? <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

NONE

Part 3. Processing Information. (Continued)

Please answer the following questions. (If your answer is "Yes" on any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust status or register for permanent residence.)

1. Have you ever, in or outside the United States:
 - a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
 - b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
 - c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
 - d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No
2. Have you received public assistance in the United States from any source, including the United States government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☒ No
3. Have you ever:
 - a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
 - b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
 - c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
 - d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the United States in:
 - a. espionage? ☐ Yes ☒ No
 - b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
 - c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or rescission proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? ☐ Yes ☒ No
11. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. citizen child outside the United States from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

YOUR REGISTRATION WITH THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES. "I understand and acknowledge that, under section 262 of the Immigration and Nationality Act (Act), as an alien who has been or will be in the United States for more than 30 days, I am required to register with the U.S. Citizenship and Immigration Services. I understand and acknowledge that, under section 265 of the Act, I am required to provide USCIS with my current address and written notice of any change of address within ten days of the change. I understand and acknowledge that USCIS will use the most recent address that I provide to USCIS, on any form containing these acknowledgements, for all purposes, including the service of a Notice to Appear should it be necessary for USCIS to initiate removal proceedings against me. I understand and acknowledge that if I change my address without providing written notice to USCIS, I will be held responsible for any communications sent to me at the most recent address that I provided to USCIS. I further understand and acknowledge that, if removal proceedings are initiated against me and I fail to attend any hearing, including an initial hearing based on service of the Notice to Appear at the most recent address that I provided to USCIS or as otherwise provided by law, I may be ordered removed in my absence, arrested by USCIS and removed from the United States."

SELECTIVE SERVICE REGISTRATION. The following applies to you if you are a male at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: "I understand that my filing this adjustment of status application with the U.S. Citizenship and Immigration Services authorizes USCIS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon USCIS acceptance of my application, I authorize USCIS to transmit to the Selective Service System my name, current address, Social Security Number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, USCIS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26."

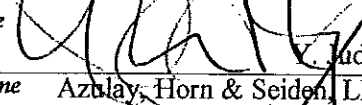
APPLICANT'S CERTIFICATION. I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

| | | | |
|------------------------------------|---|-----------------------|-----------------------------|
| <i>Signature</i> Nikko Tabliago | <i>Print Your Name</i> NIKKO ROWE TABLIAGO | <i>Date</i> 6/6/05 | <i>Daytime Phone Number</i> |
|------------------------------------|---|-----------------------|-----------------------------|

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form if other than above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

| | | | |
|--|---|-----------------------|---|
| <i>Signature</i>  | <i>Print Your Name</i> Judd Azulay | <i>Date</i> 6/6/05 | <i>Day time Phone Number</i> 312-832-9200 x101 |
| <i>Firm Name and Address</i> Azulay, Horn & Seiden, LLC 205 N Michigan Ave., #4000 Chicago, IL 60601 | <i>E-mail Address (if any)</i> yjazulay@ahslaw.com | | |

IMMIGRATION COURT
35 EAST MONROE STREET, SUITE 1900
CHICAGO, IL 60603

In the Matter of:

LABIAGO, ROWENA ABLENCION

Respondent

A 96-163-305

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of oral decision entered on 5/9/08. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☐ The respondent was ordered removed from the United States to _____
☐ in absentia on the charges as set out in the notice to appear.
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____.
- ☐ Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of _____ with an alternative order of removal to _____.
- ☐ Respondent's application for asylum was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for withholding of removal was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for withholding/deferral of removal under Article 3 of the Torture Convention was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for cancellation of removal under Section 240A(a) was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for cancellation of removal under Section 240A(b) was ☐ granted ☐ denied ☐ withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's application for a waiver under Section _____ of the INA was ☐ granted ☐ denied ☐ withdrawn ☐ other.
- ☐ Respondent's application for adjustment of status under Section _____ of the INA was ☐ granted ☐ denied ☐ withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under Section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the immigration judge's oral decision.
- ☒ Proceedings were terminated, without prejudice.
- ☐ Proceedings were administratively closed.
- ☐ Other: _____.

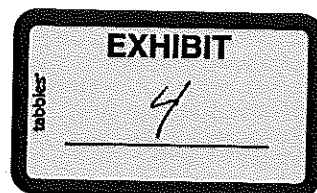
Date: 5/9/08

Appeal: WAIVED/RESERVED(A/I/B)

APPEAL DUE BY: _____

Carlos Cuevas

Immigration Judge



IMMIGRATION COURT
35 EAST MONROE STREET, SUITE 1900
CHICAGO, IL 60603

In the matter of:

TASLIAGO, NELSON ERMI

Respondent

A 96-163-306

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of oral decision entered on 7/24/08. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☐ The respondent was ordered removed from the United States to _____
☐ in absentia on the charges as set out in the notice to appear.
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____.
- ☐ Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of _____ with an alternative order of removal to _____.
- ☐ Respondent's application for asylum was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for withholding of removal was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for withholding/deferral of removal under Article 3 of the Torture Convention was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for cancellation of removal under Section 240A(a) was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's application for cancellation of removal under Section 240A(b) was ☐ granted ☐ denied ☐ withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's application for a waiver under Section _____ of the INA was ☐ granted ☐ denied ☐ withdrawn ☐ other.
- ☐ Respondent's application for adjustment of status under Section _____ of the INA was ☐ granted ☐ denied ☐ withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under Section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated, without prejudice.
- ☐ Proceedings were administratively closed.
- ☐ Others: _____

Date: 7/24/08

Appeal: WAIVED/RESERVED(A/B)

APPEAL DUE BY: _____

Carlos Cuevas

Immigration Judge

4. 2. 5. 10. *Chlorophyll a* 10

4. 2. 5. 11. *Chlorophyll b* 10

U.S. Department of Homeland Security
10 West Jackson Boulevard
Chicago, Illinois 60604



U.S. Citizenship
and Immigration
Services

Date:10/17/06
A96 163 305

Dear Mrs. Tabliago:

Although we have completed the interview on your application we cannot make a decision on your case because the required security checks are incomplete. Once the background investigation is completed we will make and inform you of our decision as quickly as possible.

We understand that you may be frustrated by this news. However, in order to fulfill its mission to provide immigration benefits and services to the public, USCIS must balance its obligations to the individual applicant against its obligations to the public as a whole. Consequently, we have adopted enhanced security check procedures.

Given the significance of immigration benefits and the number of applications submitted, it is inevitable that some applications will require more attention than others. Some factors that may lead to delays are the volume of record checks, the number of records to be checked and the processing of common names. For the vast majority of applicants, USCIS is able to quickly determine whether there is any criminal or security related eligibility issues. In the remaining cases, often referred to as "pending," a match of some kind has been identified and must be resolved before a decision can be made on the case. However, a match does not always lead to a denial of the application. USCIS does not share information regarding the specific nature of the match or the nature or status of any investigation with applicants or their representatives.

We remain committed to processing cases within a reasonable period of time. In some cases, however, unresolved security concerns will create delays. We ask for your patience in such cases, and in return we promise to continue to seek resolution as quickly as possible in each individual case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ruth A. Dorochoff".

Ruth Dorochoff
District Director

A handwritten signature in cursive script, appearing to read "M. D. Dorochoff".



LAW OFFICES OF
AZULAY, HORN & SEIDEN, LLC205 North Michigan Avenue
40th Floor
Chicago, Illinois 60601ph. 312.832.9200
fx. 312.832.9212
www.ahslaw.comFROM THE DESK OF:
Kevin A. Raica
312.832.9200 x 160
kraica@ahslaw.com

February 1, 2007

FEB 06 2007

Mr. Robert Blackwood
Branch Chief
U.S. Department of Homeland Security
Citizenship & Immigration Services
Chicago District Office
101 West Congress Pkwy.
Chicago, IL 60605RE: I-485 APPLICATION FOR ADJUSTMENT OF STATUSApplicants: TABLIAGO, Rowena
A96-163-305
&
TABLIAGO, Nikko Rowe
A96-163-307

Dear Mr. Blackwood:

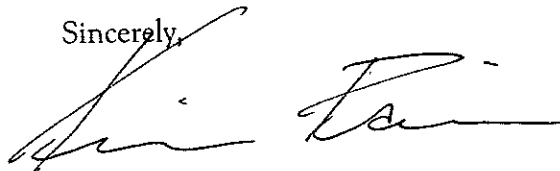
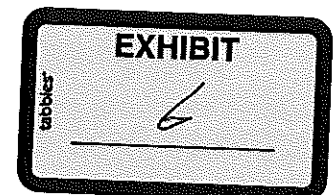
Our firm continues to represent the above applicants in their immigration matters. Our signed G-28 forms are on record with the Service.

On October 17, 2006 our clients were interviewed by Officer Leonaitis-Ruiz. At said time, the Officer issued a Request for Evidence requesting the original I-94 cards. Said RFE was complied with on November 27, 2006. Please see attached copy of the RFE and our response.

In view thereof, we earnestly request a further review and approval of the I-485 applications filed on behalf of Rowena and Nikko Tabliago.

Thank you for your preferential attention on this matter. If you have any further questions, please do not hesitate to contact either, my Paralegal, Renata or myself.

Sincerely,

Kevin A. Raica
Azulay, Horn & Seiden, LLCKAR:rwb
Encls.

FROM THE DESK OF:
Kevin Raica
312.832.9200 x160
kraica@ahslaw.com

November 21, 2006

NOV 27 2006

U.S. Department of Homeland Security
USCIS Chicago District Office
101 W. Congress Parkway, 2nd Floor
Chicago, IL 60605
Attn: DAO Leonaitis-Ruiz

COPY

Re: TABLIAGO, Rowena
96 163 305

TABLIAGO, Nikko Rowe
96 163 307

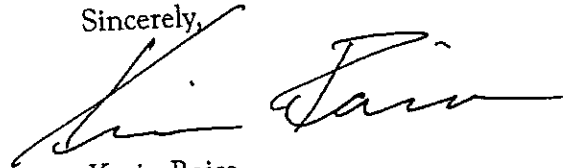
Dear Officer Leonaitis-Ruiz:

In response to your Request for Evidence, enclosed please find the original I-94 cards for Rowena and Nikko Rowe Tabliago demonstrating entrance to the United States on December 16, 1994.

We are still preparing a response for your Request for Evidence relating to Nelson Tabliago, A 96 163 306. We request that you adjudicate the cases of Rowena and Nikko Rowe Tabliago as soon as possible. We will file a response relating to Nelson prior to the deadline set in the Request for Evidence.

If you have any questions, please contact my office.

Sincerely,



Kevin Raica
Azulay, Horn & Seiden, LLC

Encl.

LAW OFFICES OF
AZULAY, HORN & SEIDEN, LLC

205 North Michigan Avenue ph. 312.832.9200
40th Floor fx. 312.832.9212
Chicago, Illinois 60601 www.ahslaw.com

FROM THE DESK OF:
Kevin Raica
312.832.9200 x160
kraica@ahslaw.com

January 9, 2007

JAN 09 2007

U.S. Department of Homeland Security
USCIS Chicago District Office
101 W. Congress Parkway, 2nd Floor
Chicago, IL 60605
Attn: Officer Leonaitis-Ruiz

COPY

Re: TABLIAGO, Nelson
96 163 306

Dear Officer Leonaitis-Ruiz:

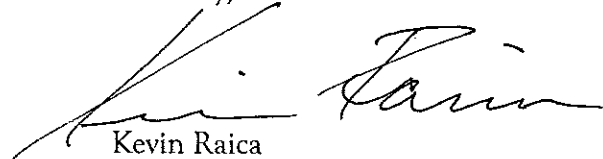
This is in response to your Request for Evidence issued on October 17, 2006, relating to Rowena, Nikko Rowe and Nelson Tabliago. A copy of the RFE is attached for your reference. On November 21, 2006, we responded to the portion of the RFE dealing with Rowena and Nikko Rowe Tabliago. A copy of our response is attached for your reference. This letter serves as our response to the portion of the RFE dealing with Nelson Tabliago.

You requested proof of legal entry to the United States for Nelson Tabliago. Neslon admits through undersigned counsel that he entered the United States using a false passport. Because of his use of a false passport, Nelson requires an I-601 Waiver of Inadmissibility. However, Nelson can not currently file an I-601 Waiver because his qualifying relatives - his wife, Rowena, and his son, Nikko Rowe - do not yet have a final adjudication of their I-485 Applications, determining whether or not they will receive permanent resident status and allow Nelson to file an I-601 Waiver.

As such, we respectfully request that you hold Nelson Tabliago's I-485 Application in abeyance pending a final adjudication of his wife and son's I-485 Applications.

If you have any questions, please contact me.

Sincerely,



Kevin Raica
Azulay, Horn & Seiden, LLC

Encl.

U.S. Citizenship and Immigration Services
101 W. Congress Pkwy
Chicago, Illinois 60605

Rowena Tabliago
939 Blue Ridge Dr.
Streamwood, IL. 60107

Date: 10/17/07
A Number: A96163305
Petitioner: 96163306
Beneficiary:
Case Type: I-485 96163307

REQUEST FOR EVIDENCE

PLACE THIS LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL.

The documentation you submitted during the adjustment interview is not sufficient to warrant a favorable consideration of your petition/application. The following information also is required:

See attached list

Your response must be received in this office within 84 days. Your case is being held pending awaiting your response, however you are encouraged to submit the evidence without delay so as to complete your case. Within this period you may:

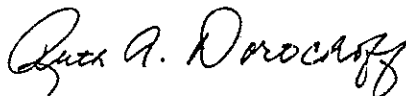
1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based on the record; or
3. Withdraw the application or petition. (It is noted that if you request the application or petition be withdrawn; the filing fee may not be refunded).

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based upon the record. No extension of the period allowed submitting evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied.

If you do not respond to this request within the time allowed, your case will be considered abandoned and denied due to lack of prosecution. Evidence received in this office after the due date may not be considered.

You are instructed to submit the requested documentation: MAIL IN to the attention of Officer Imatia Ruiz at USCIS, Customer Service, P.O. Box 3616, Chicago, Illinois, 60690-3616.

Sincerely,



Ruth Dorochoff
District Director

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 101 W. Congress Pkwy.
 Chicago, Illinois 60605
 Attn: OFFICER Leonaitis-Ruiz

PLEASE RETURN THIS LETTER WITH YOUR RESPONSE.

Name:

Alien Registration Number: A

PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS

- ☐ 1. Please complete the blocks on your enclosed application/petition/form which are highlighted.
- ☐ 2. Furnish the required fee of \$_____ for Form_____.
- ☐ 3. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☒ 4. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled or provide a sworn statement of how you entered the United States. *+ Proof of legal entry for Nelson*
- ☐ 5. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from the chin to top of hair or head, shown in 3/4 frontal view of right side of face with right ear visible.
- ☐ 6. I-864 Affidavit of Support and last three years of tax returns, W2s and a job letter for ☐ Sponsor and/or ☐ Joint Sponsor. This form must be completely filled out and notarized. Failure to follow the directions and complete this form accurately may result in denial of your application.
- ☐ 7. You must provide a sworn statement for each and every arrest and for charges against you including the dates and places. You must provide certified court dispositions (not police reports) for each and every arrest and charge.
- ☐ 8. Your case is continued for your fingerprints to clear.
- ☐ 9. Your case is continued because you need to submit new fingerprints. (See attached fingerprint referral letter).
- ☐ 10. Submit medical exam (Form I-693) and immunization supplement form from an INS Certified Civil Surgeon. These documents must be in a sealed envelope from the doctor.
- ☐ 11. Please submit the following types of evidence to support the claimed relationship between the petitioner and the beneficiary:
- ☐ a. Official Birth Certificates for you and your spouse and any children, yours and your spouse's, born in or outside the United States along with the necessary English translations.
 - ☐ b. Official Marriage Certificate for _____.
 - ☐ c. Proof of termination of previous marriages, such as divorce decrees and death certificates.
 - ☐ d. Wedding photos and other photos of you and your spouse together during your entire relationship.
 - ☐ e. Proof of any joint purchases or ownership, such as TV, furniture, car, house, etc.
 - ☐ f. Proof of joint credit established since marriage, such as joint credit cards, loans, etc.
 - ☐ g. Proof of actual residence such as lease agreements, property deeds or mortgages, etc. If you have none of the above, provide a notarized affidavit from your current landlord.
 - ☐ h. Proof of bank statements for checking and/or savings accounts and canceled checks throughout your marriage.
 - ☐ i. IRS Federal Tax Returns with W2s for years _____.
 - ☐ j. Proof of medical, life and auto insurance during your marriage.
 - ☐ k. Proof of utility bills for a shared residence, such as telephone, electric, gas, etc. You should provide statements that cover the duration of your marriage.

☒ 12. OTHER: Original I-94's for Rowena & Nikko

PLEASE RETURN THIS LETTER AND ALL ATTACHMENTS WITH YOUR RESPONSE

LAW OFFICES OF
AZULAY, HORN & SEIDEN, LLC

205 North Michigan Avenue ph. 312.832.9200
40th Floor fx. 312.832.9212
Chicago, Illinois 60601 www.ahslaw.com

FROM THE DESK OF:
Kevin Raica
312.832.9200 x160
kraica@ahslaw.com

November 21, 2006

NOV 27 2006

U.S. Department of Homeland Security
USCIS Chicago District Office
101 W. Congress Parkway, 2nd Floor
Chicago, IL 60605
Attn: DAO Leonaitis-Ruiz

COPY

Re: TABLIAGO, Rowena
96 163 305

TABLIAGO, Nikko Rowe
96 163 307

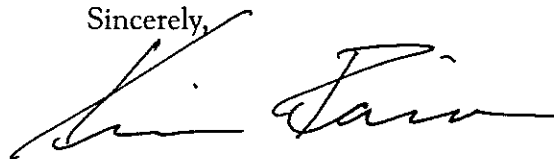
Dear Officer Leonaitis-Ruiz:

In response to your Request for Evidence, enclosed please find the original I-94 cards for Rowena and Nikko Rowe Tabliago demonstrating entrance to the United States on December 16, 1994.

We are still preparing a response for your Request for Evidence relating to Nelson Tabliago, A 96 163 306. We request that you adjudicate the cases of Rowena and Nikko Rowe Tablisgo as soon as possible. We will file a response relating to Nelson prior to the deadline set in the Request for Evidence.

If you have any questions, please contact my office.

Sincerely,



Kevin Raica
Azulay, Horn & Seiden, LLC

Encl.

Departure Number

811023052 04

Immigration and
Naturalization Service

I-94

Departure Record

Immigration & Naturalization Service

CHICAGO, ILLINOIS - 807

ADMITTED

JUN 16 1995

DEC 16 1994

VIC:

| | | |
|---|--|--|
| 14. Family Name T A B L I A | | 16. Birth Date (Day/Mo/Yr) 27/10/94 |
| 15. First (Given) Name N I K K O A O W E | | |
| 17. Country of Citizenship P H I L I P P I N E S | | |

See Other Side

STAPLE HERE

Departure Number

811023061 04

Immigration and
Naturalization Service

I-94

Departure Record

8-2

JUN 16 1995

ADMITTED

DEC 16 1994

| | | |
|---|--|-------------------------------------|
| 14. Family Name T A B L I A G O | | 16. Birth Date (Day/Mo/Yr) 2/6/5 |
| 15. First (Given) Name R O W E N A | | |
| 17. Country of Citizenship P H I L I P P I N E S | | |

See Other Side

STAPLE HERE